

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA, :
Plaintiff, : CASE NO. 1:20-cr-077 (1)
vs. : JUDGE BLACK
LARRY HOUSEHOLDER, :
Defendant. :

MOTION FOR LEAVE TO WITHDRAW

David H. Thomas and Kathryn S. Wallrabenstein respectfully request this Court grant them leave pursuant to S.D. Ohio Civ. R. 83.4(c) to withdraw as counsel for Defendant Larry Householder in the above-captioned matter. The reasons in support of this Motion are set forth in the following Memorandum.

Respectfully submitted,
Taft Stettinius & Hollister LLP

/s/ **David H. Thomas**
DAVID H. THOMAS
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/s/ **Kathryn S. Wallrabenstein**
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Counsel for Defendant

MEMORANDUM

David H. Thomas and Kathryn S. Wallrabenstein are before this Court requesting leave to withdraw from this matter. David H. Thomas and Kathryn S. Wallrabenstein filed notices of appearance on behalf of Defendant Larry Householder, with David H. Thomas designated as Trial Attorney, on July 24, 2020. Since that time, undersigned counsel have become aware good cause exists pursuant to S.D. Ohio Civ. R. 83.4(c)(2) and Prof. Cond. Rule 1.7(a)(2) that requires them to move to withdraw from this representation.

The definition of a conflict of interest, as set forth in the Ohio Rules of Professional Conduct, includes:

- (a) A lawyer's acceptance or continuation of representation of a client creates a conflict of interest if either of the following applies:
 - ...
 - (2) there is a *substantial* risk that the lawyer's ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by the lawyer's own personal interests.

Prof. Cond. Rule 1.7(a)(2) (emphasis in original). Lawyers must not continue representing a client if such a conflict of interest exists, unless certain criteria are met. In this matter, those criteria are not present and undersigned counsel are prohibiting from continuing their representation of Larry Householder in this matter. David H. Thomas' affidavit in support of this Motion is attached as Exhibit A. Pursuant to S.D. Ohio Civ. R. 83.4(c)(2), a copy of this Motion has been served upon Larry Householder. Further, undersigned counsel have informed Larry Householder of the conflict of interest identified and described in Exhibit A and withdrawal can be accomplished without material adverse effect on the interests of the client pursuant to Prof. Cond. R. 1.6(b)(1).

David H. Thomas and Kathryn S. Wallrabenstein hereby respectfully request this Court grant them leave to withdraw from their representation of Larry Householder in this matter.

Respectfully submitted,
Taft Stettinius & Hollister LLP

/s/ David H. Thomas
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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Clerk of Court for the United States District Court for the Southern District of Ohio using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorneys Emily Glatfelter and Matthew Singer, 221 E. Fourth Street, Suite 400, Cincinnati, Ohio 45202, on August 3, 2020, by electronic mail.

The undersigned hereby certifies that the foregoing was served upon Defendant Larry Householder, on August 3, 2020, by regular U.S. post and email pursuant to S.D. Ohio Civ. R. 83.4(c)(2).

/s/ David H. Thomas
DAVID H. THOMAS